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C O N F I D E N T I A L STATE 125514

E.O. 12958: DECL: 11/26/2011
TAGS: [MOPS](#) [PBTS](#) [PHSA](#) [PTER](#)
SUBJECT: DEMARCHE: ENHANCING EFFORTS TO COMBAT PIRACY

REF: A. STATE 11373
[1](#)B. STATE 124034
[1](#)C. DJIBOUTI 950

Classified By: Mark T. Kimmitt

ACTION REQUEST

[1](#)1. (U) This is an action request. Please see paragraphs 4 and 5.

SUMMARY

[1](#)2. (U) The growth of piracy in the Gulf of Aden and in waters off the coast of Somalia has emerged as a serious threat to international commerce, the safety of mariners, and the delivery of humanitarian assistance to Somalia. Pirate attacks in these waters have more than doubled since 2007. UN Security Council Resolutions (UNSCR) 1816 and 1838 call for international cooperation in combating piracy and armed robbery at sea in waters off the coast of Somalia, and provide authorization for countries cooperating with Somalia's Transitional Federal Government to treat Somali territorial waters as the high seas for purposes of repressing piracy and to use all necessary means to repress piracy and armed robbery in these waters. The Council is currently working on a UNSCR to renew the authorities of [1](#)1816. The international response to the Somali piracy dilemma has been piecemeal and requires an increased effort to achieve results. The international community must also address how to handle detained pirates or persons under control (PUCs). We have begun discussions to lay the groundwork for a more coordinated international approach in December. End summary

U.S. INITIATIVE

[1](#)3. (C/NF) We have begun preliminary discussions to lay the groundwork for a more coordinated international approach that would be officially launched at a ministerial meeting to be held at the United Nations Security Council chambers in mid-December. We are aware that other states or organizations may be considering other approaches that may impact this initiative. For example, the Special Representative of the Secretary General to Somalia Ahmedou Ould-Abdallah has invited states and the International

Maritime Organization to a ministerial in Kenya on December 10-11. Djibouti will host representatives of 20 countries on January 26, 2009, for an IMO conference examining legal conventions against piracy. The Department will provide further detail to be shared on a collective initiative as the concept evolves in the next few weeks.

OBJECTIVES

¶4. (U) For Paris, London, Abu Dhabi, Beijing, Berlin, Cairo, Copenhagen, Madrid, Moscow, New Delhi, Riyadh, Sana'a and New York, please approach host-country officials to pursue the following objectives:

-- Initiate discussion with host governments and the UN on deepening cooperation with the international community to counter piracy in the Horn of Africa region.

-- Note the U.S. is seeking to play a coordinating role in international efforts to combat Somali piracy. Posts may note that we expect to have a formal initiative to discuss with host governments in the very near future, and that in the meantime we would welcome their perspectives on prospective solutions to the problem, resources they would be willing to bring to those solutions, and the best forum for international cooperation to confront the problem. Specifically, Posts are requested to ask how the host government could contribute to the detention and prosecution of pirates captured at sea (or persons under control/PUCs) and solicit their views on how the international community could better handle this specific issue.

¶5. (U) For Djibouti and Nairobi, please approach host-country officials to pursue the following objectives:

-- Express appreciation for our recent dialogue on Somali piracy and underscore that the issue now has the attention of the highest levels of the U.S. government.

-- Reinforce mutual U.S.-host nation interest in enhancing coordination in international efforts to combat piracy.

-- Note the U.S. is seeking to play a coordinating role in international efforts to combat Somali piracy. Posts may note that we expect to have a formal initiative to discuss with host governments in the near future, and that in the meantime we would welcome their perspectives on prospective solutions to the problem, resources they would be willing to bring to those solutions, and the best forum for international cooperation to confront the problem.

-- For Nairobi only, in light of the December 10-11 Nairobi ministerial planned by the UN Political Office for Somalia (UNPOS), UNDP, the International Maritime Organization (IMO), and GOK, note that we intend to organize a ministerial meeting on Somali piracy with key stakeholder nations, including Kenya, in New York in mid-December. We will discuss plans for the U.S.-coordinated ministerial with the GOK as they take shape. In addition, we continue to look forward to the GOK's response to our October 18 demarche on Somali piracy.

CONTEXT

¶6. (U) The growth of piracy in the Gulf of Aden and in waters off the coast of Somalia has emerged as a serious threat to international commerce, the safety of mariners, and the delivery of humanitarian assistance to Somalia. Pirate attacks in these waters have more than doubled since 2007. Pirates are extracting million-dollar ransoms for hijacked vessels and becoming more aggressive and assertive at sea.

¶7. (U) Funds generated from ransoms are contributing to continued instability in Somalia. Piracy is also threatening

the fragile delivery of humanitarian assistance to Somalia, as commercial vessel operators have refused to deliver World Food Program (WFP) commodities to Mogadishu without naval escorts to deter piracy.

¶8. (U) UN Security Council Resolutions (UNSCR) 1816 and 1838 call for international cooperation in combating piracy and armed robbery at sea in waters off the coast of Somalia. UNSCR 1816 provides authorization for countries cooperating with Somalia's Transitional Federal Government to enter Somali territorial waters and repress acts of piracy consistent with the rules applicable to piracy on the high seas, and to use all necessary means to repress piracy and armed robbery in such waters. Currently, the United States has been chairing the negotiations in the Security Council on the renewal of 1816. While the authorities provided in 1816 were a good start to addressing the problem, the significant increase in piracy off the Somali coast in the last six months demonstrates that more needs to be done, beyond the authorities provided in UNSCR 1816. We are working with our partners in the Council to determine what additional authorities or initiatives are needed in the new resolution. Host country's opinion on the matter would most welcome.

DEPARTMENT CONTACTS

¶9. (U) Please report views to the Department by December 1. Additionally, if appropriate, we would request that you suggest a pause, pending further consultation, in any new international initiative on the issue in which host governments are currently involved or might be contemplating.

¶10. (U) Please contact PM/PPA David Glancy at (202) 736-4054 or PM/ISO CAPT Jeff Frederick at (202) 647-0886 or via e-mail for any necessary further background information or argumentation to meet demarche objectives.

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